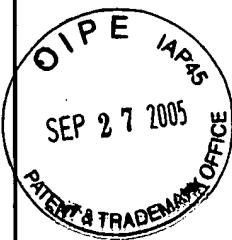


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AF
IFWNOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)
31671-176817

In re Application of Akiyo YAMADA et al.	
Application Number	Filed
10/031,331	January 18, 2002
For	
ENVIRONMENTAL STRESS RESISTANCE GENE	
Group Art Unit 1638	Examiner Medina A. Ibrahim

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, July 28, 2005, rejecting the following claims: 64-66, 114-117, 121-122, and 125.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 500.00.

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____.

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 22-0261. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

Signature

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed.

attorney or agent of record. Ann S. Hobbs, Reg. No. 36,830

attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a)._____

Typed or printed name

September 27, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 2 forms are submitted.

#676934v1

VENABLE
ATTORNEYS AT LAW

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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